

PATENT

Attorney Docket No. MTI-31532

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Weimer, Ronald A.
Serial No. : 09/941,827
Filing Date : August 29, 2001
For : Method of Improved High K Dielectric-Polysilicon Interface for CMOS Devices
Examiner : HUYNH, Yennhu B.
Group Art Unit : 2813
Confirmation No. : 7551

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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Date: 12-3-02 Antonio J. Ortiz

**Assistant Commissioner for Patents
Washington, D.C. 20231**

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Sir:

Restriction Requirement. In response to the Examiner's requirement for an election of species, mailed November 4, 2002, in the above-identified patent application, Applicant elects Species II: Claims 2-6 and 18-22, with traverse.

Species II. First of all, Claims 2-6 of the elected Species II do *not* recite the limitation of "an oxidizing ambient." Rather, Claims 18-22 of Species II recite the step of "annealing the dielectric layer in an oxidizing ambient." The Examiner has erroneously read a limitation into Claims 2-6.